

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

LARRY M. MAYFIELD §
VS. § CIVIL ACTION NO. 9:15-CV-92
UTMB MEDICAL DEPARTMENT, *et al.*, §

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING THE
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff, Larry M. Mayfield, an inmate currently confined at the Gib Lewis Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against defendants: UTMB Medical Department, Kent Dickerson, Janice Hanson, Office of Professional Standard TDCJ Health Service Division, and Morris Jorgensen.

The Court referred this matter to the Honorable Keith Giblin, United States Magistrate Judge, at Lufkin, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends this complaint be dismissed for failure to state a claim and as frivolous.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. Plaintiff filed objections to the Report and Recommendation of United States Magistrate Judge. This requires a *de novo* review of the objections in relation to the pleadings and applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the Court finds plaintiff's objections lacking in merit. Plaintiff has not demonstrated any personal involvement by defendant Kent Dickerson in the alleged acts of misconduct in denying plaintiff medical care. *Jacquez v. Procunier*, 801 F2d 789, 793 (5th Cir. 1986). Defendant Dickerson, accordingly to plaintiff's allegations, answered plaintiff's grievance at the Step 1 level. To the extent defendant Kent Dickerson could somehow be considered

personally involved in the alleged acts of misconduct, plaintiff has failed to allege facts that demonstrate deliberate indifference. *Estelle v. Gamble*, 429 U.S. 97, 105-106 (1976); *Domino v. Texas Dep't of Criminal Justice*, 239 F.3d 752, 754 (5th Cir. 2001); *Farmer v. Brennan*, 511 U.S. 825, 832 (1994).¹

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. A partial judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

SIGNED this 17th day of June, 2016.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE

¹In his objections, plaintiff states it was not his intent to sue UTMB. Plaintiff also concedes all his official capacity claims should be dismissed in addition to those against the Office of Professional Standard TDCJ Health Service Division and defendant Jorgensen.